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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,887	10/15/2001	Mitsuya Kishida	282661US8X	3455

22850 7590 09/19/2007  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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HUYNH, NAM TRUNG

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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09/19/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/977,887	<b>Applicant(s)</b> KISHIDA ET AL.	
	<b>Examiner</b> Nam Huynh	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,5-12 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-12 and 16-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

This office action is in response to amendment filed on 6/20/2007. None of the previously presented claims were amended.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 5, 7-10, 12, 16, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US 5,870,683) (hereinafter Wells) in view of Coursey (US 5,950,130).

Regarding claims 1, 7, 12, and 18, Wells discloses a mobile station having method and apparatus for displaying user-selectable animation sequence (title). In the scope of the invention, a mobile station comprises a memory that stores a Graphical Information Sequence (GIS) or animation (background images stored in at least one

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memory accessible for said communication device) comprising discrete and logically related animation images (column 3, lines 54-67). The GIS may be pre-stored in the mobile station during manufacture (column 4, lines 5-6) and may be loaded during power up wherein a predetermined animation displays graphics (automatically retrieving/selecting a sequence of background images to be displayed from memory) to show service provider or dealer's name information with or as a part of the animation. However, Wells does not explicitly disclose or teach that the pre-set parameters are received from a base station. Coursey discloses a mobile station with intelligent roaming and over the air programming features (title). Coursey teaches that when a mobile station is powered on it scans a home band (abstract) and obtains a system identification number of the current service area (pre-set parameter received from a base station independent from the storing and retrieving of background images) (column 7, lines 15-22). The system identification number is then compared to the entries of a stored system access list (SAL) which may be used to determine whether to display a roam icon, and what alphanumeric system name to display when operating on a given system (displaying background images as defined by the pre-set parameters) (column 11, lines 18-21). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Wells to retrieve a system identification number of the current service area in displaying service provider information, as taught by Coursey, in order to accurately display the system name or other indicator when operating in a given system.

Regarding claims 5 and 16, Wells teaches that the animation function can be loaded from the network through over the air programming or SMS (column 10, lines 10-19).

Regarding claims 8-10 and 19-21, Wells teaches that the animations can be loaded from any external data connection (column 10, lines 14-15).

4. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US 5,870,683) (hereinafter Wells) in view of Coursey (US 5,950,130), as applied to claims 1 and 12 above, and further in view of Hubbe et al. (US 6,667,748) (hereinafter Hubbe).

The combination of Wells and Coursey discloses the limitations set forth in claim 1, but does not explicitly disclose that the animations or background images are stored in a SIM. Hubbe discloses a method of displaying a sequence of images on a display associated with a piece of radio communications mobile equipment co-operating with a subscriber identity module (abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the animations to be stored in SIM, as taught by Hubbe, in order to display a sequence of images on the screen of a radio communications terminal from the SIM. This modification allows the use of services or data received from any piece of radio communications equipment by the mobile station.

5. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US 5,870,683) (hereinafter Wells) in view of Coursey (US 5,950,130), as applied to claims 1 and 12 above, and further in view of Fogarty (US 6,311,180).

The combination of Wells and Coursey discloses the limitations set forth in claims 1 and 12. The combination does not explicitly disclose the formatting of background and foreground images. Fogarty discloses a method for mapping and formatting information (figure 2, item 306) for a display device in which a mapping system creates a display document. This display document describes display parameters such as background and foreground colors (column 10, lines 11-24). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to follow the teachings of Fogarty, and create a display document for the background images in the combination of Wells and Coursey in order to properly display the background image without any colors of the foreground. It is further obvious that by eliminating foreground colors in the background, the background image would be distinct and not be confused with foreground information.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 5-12, and 16-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sato (US 6,819,944)

Nelson (US 6,470,182)


Sakai et al. (US 2002/0177438)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH  
9/11/07

  
DUC M. NGUYEN  
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